

Chen, Isaac

From: James Durbin <james.durbin@c-ka.com>
Sent: Friday, August 11, 2017 7:11 PM
To: Chen, Isaac
Cc: Larsen, Brent; Wilson, Scott; greg@offshoreoperators.com; Floyd, Jim; Sofia.Lamon@anadarko.com; mdupont@eeusa.com; Marsha Lutz; Weisenberger, Timothy J; andrew.englande@shell.com; Emily Cox; Marla Begnaud; Ashley Haynes; Zhang, Changyong
Subject: Re: Produced Water Toxicity Testing Frequency - Additional Information

Thanks Isaac....

James

James L. Durbin
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Sent from my iPhone

On Aug 11, 2017, at 3:26 PM, Chen, Isaac <Chen.Isaac@epa.gov> wrote:

James,
I will take a look at that language. Thanks.

Isaac Chen
NPDES Permits & TMDLs Branch
Permitting Section
(214) 665-7364

From: James Durbin [<mailto:james.durbin@c-ka.com>]
Sent: Friday, August 11, 2017 2:38 PM
To: Chen, Isaac <Chen.Isaac@epa.gov>; Larsen, Brent <Larsen.Brent@epa.gov>; Wilson, Scott <Wilson.Js@epa.gov>
Cc: greg@offshoreoperators.com; Floyd, Jim <Jim.Floyd@chevron.com>; James Durbin <james.durbin@c-ka.com>; Sofia.Lamon@anadarko.com; mdupont@eeusa.com; 'Marsha Lutz' <marsha.lutz@jccteam.com>; Weisenberger, Timothy J <timothy.weisenberger@bp.com>; 'andrew.englande@shell.com' <andrew.englande@shell.com>; 'Emily Cox' <Emily.Cox@nblenergy.com>; Marla Begnaud <Marla.Begnaud@Fwellc.com>; Ashley Haynes <Ashley.Haynes@Fwellc.com>; 'Zhang, Changyong' <changyong.zhang@exxonmobil.com>
Subject: Produced Water Toxicity Testing Frequency - Additional Information

Isaac, Brent and Scott,

We want to thank you again for meeting with us on Wednesday to discuss our comments and appreciate the effort that is being put forth to ensure a renewed permit in a timely manner. We feel like the meeting was very productive and appreciate the acceptance of the majority of our comments.

One of note, is the change in frequency requirement for produced water toxicity from semi-annual back to annual. It was noted that the current permit language will be inserted back into the permit as you folks agreed with our comment. However, if we understood it correctly, operators will have to re-evaluate the frequency at the effective date of the of the new permit and the frequency for at least the first year may be quarterly. Is this correct?

If so, this is problematic for industry in that historically operators carried over testing frequency they were under to each new permit renewal. Therefore, with the exception of new facilities that come on line, the majority of the industry currently tests produced waters at a frequency of annual.

In fact, the 2001, 2004 and 2007 permits contained the following language: *"Also, if the permittee monitored produced water toxicity at the reduced frequency of once per year under the previous Outer Continental Shelf general permit, the required monitoring frequency shall remain at once per year as long as the discharge is compliant with the toxicity limits."*

This language was removed from the current 2012 permit. However, that was one intent for the language addition in the permit of the 20% baseline flow monitoring for determining additional testing throughout a year. Additionally, requiring monthly testing for toxicity failures until pass for three consecutive months addresses this issue of increased testing as well.

Therefore, the reasons we outlined in our rationale to comments No. 11-13 for changing the frequency from the proposed semi-annual back the annual remain the same in this case.

We would also like to see the following language added back to the permit to eliminate any confusion on an inspector's part: *"Also, if the permittee monitored produced water toxicity at the reduced frequency of once per year under the previous Outer Continental Shelf general permit, the required monitoring frequency shall remain at once per year as long as the discharge is compliant with the toxicity limits."*

Thanks and we look forward to hearing from you,
James

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